

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL BLACK,	:	CIVIL ACTION
	:	
Petitioner,	:	
	:	
v.	:	NO. 01-3479
	:	
DISTRICT ATTORNEY OF	:	
PHILADELPHIA, et al.,	:	
	:	
Respondents.	:	

MEMORANDUM AND ORDER

Petitioner's plea to violating the Pennsylvania Corrupt Organization Act, 18 Pa. C.S.A. § 911(b)(3) was constitutionally invalid and must be vacated.

Counsel for the respective parties disagree on what procedure should follow, but after a hearing on February 21, 2008, it appears clear granting the writ with respect to the entire sentence allowing the Commonwealth an opportunity to resentence is the fair solution. In this regard, the court agrees substantially with the rationale in the Commonwealth's Pre-Hearing Memorandum.

An order follows:

AND NOW, this 18th day of March, 2008, it is hereby **ORDERED** that the writ of habeas corpus is **GRANTED** with respect to the entire sentence imposed by the Court of Common Pleas of Philadelphia on January 25, 1990 to Nos. 2331-2337, July Term, 1988. The grant of the writ is conditioned upon the Commonwealth having 120 days from the date of this order in which to resentence the Petitioner.

BY THE COURT:

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.